

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and the following comments is courteously solicited.

In the aforesaid action, the Examiner rejected claims 22-31 and 40 as obvious over Noel in view of Cate.

By the present paper, independent claims 25 and 28 have been amended to recite that the network of stiffening struts is defined by intersecting weld seams. This is as shown in any of Figures 3-8, and this structure is not disclosed or suggested by Noel, where adjacent tubes contact each other along a line such that the weld seams are lines of contact that do not intersect. The secondary references likewise do not disclose this subject matter.

Noel discloses a block comprising a panel formed of a plurality of hollow profiles. The instant invention discloses and claims a structural element not having any voids. The instant structural elements are produced in blocks and the element needed is cut from the block in various dimensions and shapes. If an array of hollow tubes is cut in shapes, the number and extensions of voids may vary. In a block having voids between the single tubes and the tubes being hollow, a different load bearing behavior is likely than of a structural element having no voids at all and the single body segments are welded together in a continuous manner.

Noel discloses weld seams between the tubes. The weld seams are lines only because two touching tubes can touch each other along a line only. Noel does not mention an improved compression strength. An improved compression strength, especially in the direction of the weld seams, is not to be expected from Noel, because the weld seams between two adjacent tubes form a line only and the area and accordingly the volume

of such a weld seam is very small. In comparison, the surface area and the volume of a weld seam over the full plane that comes into contact with each other of two body segments is in comparison much bigger. A weld seam not only has a surface area but also has a volume (in said volume the bubbles of the foam have collapsed and the weld seams are low-pore or pore free dense intermediate plastic layers (see page 9, lines 18 to 31). The compressive strength of the structural element depends not only on the compressibility and the anisotropy of the foamed parts but also on the weld seams. A weld seam does not only have a surface or in a sectional view a length, but also a volume and therefore two body segments welded together over the full plane of two adjacent sides have a much bigger volume of dense plastic struts than a welding line along the line of contact between two tubes.

Nothing in the art of record discloses or suggests a structure such as that called for in the present claims.

Dependent claims 22-24, 26-27, 29-31 and 40 all depend directly or indirectly from claim 25 and/or 28 and are believed to be allowable based upon this dependency. These claims are also submitted to be allowable in their own right.

New claims 41 and 42 have been added and further call out subject matter which is not at all taught or suggested by the art of record.

This paper follows a notice of improper RCE (copy attached), and is intended to provide the submission which was found lacking. In addition to consideration of this response, consideration of the IDS submitted initially with the RCE is respectfully requested.

This paper is accompanied by authorization to charge a fee for extra claims and a fee for an extension of time. It is

believed that no other fee is due. If any such fee is due,
please charge same to deposit account 02-0184.

Respectfully submitted,

By ____/george a. coury/_
George A. Coury
Attorney for Applicants
Reg. No. 34,309
Tel: (203) 777-6628
Fax: (203) 865-0297
E-Mail: docket@bachlap.com

Date: April 30, 2009